

US Application No. 10/021648

REMARKS

Applicant respectfully requests reconsideration of the application in view of the following remarks and amendments.

Claim Status and Amendments

Claims 1-8 stand rejected, Claims 9-33 are withdrawn from consideration by the Examiner. Applicant confirms provisional election without traverse of Group 1, claims 1-8.

Claim 1 is amended to include the aspects of 1) "switching between modes occurs automatically dependent on user movement" and 2) "when switching between modes a continuous viewing perspective is provided". Claims 4, 5, and 8 are cancelled, leaving Claims 1-3, 6 and 7 currently pending in the present application. The amendment is supported by the instant specification on page 7, paragraphs [0026] and [0027].

Claim Rejection Under 35 U.S.C. § 102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 2, 4, 6, and 8 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,346,938 (Chan, et al.). This rejection is respectfully traversed because the claimed invention as set forth in Claim 1 and the claims that depend therefrom are patentably distinguishable over Chan et al.

The present invention generally relates to a method for navigating through a three-dimensional graphical environment which includes two modes for viewing the environment 20 (Fig. 2). The first mode is for viewing and navigating within the inside area 21 of the environment 20 so as to provide an "eye-level" perspective and the second mode is for viewing and navigating in the outside area 22 of the environment so as to provide a "bird's eye view" perspective of the environment. As recited in amended Claim 1, "switching between modes occurs automatically dependent on user movement" and furthermore, "when switching between modes a continuous viewing perspective is provided". Automatic

US Application No. 10/021648

switching between modes is illustrated in Figs. 2 and 3. As shown in Fig. 2, when traversing path 23, the viewing mode automatically switches from a bird's eye view to an eye-level view in a continuous viewing perspective. Similarly, as shown in Fig. 3, when traversing path 24, the viewing mode automatically switches from an eye-level view to a bird's eye view in a continuous viewing perspective. In other words the transition between the viewing modes is transparent to the user since it occurs automatically and in a single continuous viewing perspective.

Chan et al. relates to a system for viewing a three dimensional model of an object using two display windows, an "overview display window" (22, Fig. 2) and an "inset display window" (21, Fig. 2) and (Abstract). Within each of these display windows one of either 1) "a map or a bird's eye view" of a scene or 2) "a relatively close, or 'in-scene' view can be displayed (column 7, lines 9-31). Chan further describes that the user can "toggle between which of the two scene perspectives is displayed as a map view and which is displayed up close for in scene navigation" (column 1, lines 49 – 54, column 2, lines 4-11). Toggling between the two scene perspectives is achieved by operating a pushbutton (column 10, lines 65-67) on the user interface which swaps the view locations of the two perspectives between the two viewing windows (column 3, lines 5-11). Chan describes "two modes of navigation", which correspond to one of controlling in-scene viewing using either a joystick or mouse (column 2, lines 50-54, column 9, lines 19-21).

Chan et al. does not describe providing a "continuous viewing perspective when switching between viewing modes" as recited in amended Claim 1. Instead, Chan teaches away from providing a "continuous viewing perspective" by swapping-out one perspective view and swapping-in the other perspective view. As a result, each of the display windows will not have a continuous viewing perspective since the view will abruptly switch from a bird's eye view to an in-scene view or visa versa. In addition, Chan et al. does not describe "automatically" switching views. Instead, Chan et al. teaches away from automatically switching by describing toggling between views in each display area in response to pushing a button.

Hence, because Chan et al. does not describe all the elements of the combination as recited in Claim 1, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results, rejection of Claim 1 is improper and withdrawal of such is respectfully requested.

US Application No. 10/021648

Claim Rejection Under 35 U.S.C. § 103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestions or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combined reference teachings. Second, there must be a reasonable expectation of success. Finally, there prior art reference (or references when combined must teach or suggest all the claim limitation. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaecht*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 3 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chan et al. as applied to Claim 1 above, and further in view of U.S. Patent No. 6,219,045 (Leahy et al.).

Claims 3 and 7 are dependent upon Claim 1 and so include all of the elements as recited in amended Claim 1. Claim 3 further includes providing transparent or translucent partitions. Claim 7, which is dependent upon Claim 3 further provides "navigating by passing through the partitions while in the first modes *without passing through a doorway*." (emphasis added). As described in the application, transparent or translucent partitions provide the ability of the user to see images on the other side of partitions. Allowing a user to see through the partitions provides them with a motivation to navigate through the partitions resulting in a shorter path traversal to the desired location (page 8, paragraph [0029], Fig. 4B).

Although Leahy et al. describes "transparent walls", Leahy does not teach or suggest having transparent walls for the purpose of seeing through and/or passing through without

US Application No. 10/021648

passing through a doorway. Hence, Leahy does not teach transparent walls having the same function as the transparent walls as described by the present invention and recited in Claim 7.

Furthermore, there is no motivation to combine Leahy et al. with Chan et al. to obtain the invention as recited in Claims 3 and 7. Chan et al. is more concerned with the swapping of perspective views to facilitate robust movement through a 3-D environment, providing two modes of movement through the in-scene view. In contrast, Leahy describes a 3-D environment that is designed to facilitate a "chat" room environment and thus is not concerned with the robustness of viewing or the efficiency of movement through the rooms. No motivation is provided to combine Chan's robust 3-D environment with Leahy's "chat" environment, to obtain the invention as recited in Claims 3 and 7.

Regardless, since Chan et al. does not teach the elements of Claim 1, the combination of Chan et al. and Leahy et al. does not render Claims 3 and 7 obvious in view of these references. Hence, the rejection of Claims 3 and 7 is improper and withdrawal of such is respectfully requested.

Claims 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chan et al. as applied to Claim 1 above, and further in view of U.S. Patent No. 6,608,640 (Nagahara et al.).

Claim 5 is cancelled, and thus rejection of this claim is now mute. The aspect of Claim 5, "automatically switching viewing mode dependent on user movement" is incorporated into Claim 1. The Office Action states in part:

"Nagahara, however discloses in columns 9 and 10 a method for switching between a bird's eye or panoramic view and a non-panoramic view. Said switching is accomplished by the user moving to a designate "entrance hall" portion, which provides the user with a wider viewpoint of the world. Said switching thus occurs automatically based on user movement."

Applicant respectfully disagrees. Nagahara describes a first viewing perspective at the entrance hall which is disposed at a higher position than the rest of the shops providing a bird's eye view or panoramic view (column 10, lines 49-51 and 60-65). Nagahara further describes changing perspectives by performing a click operation (column 11, lines 25-37, column 17, lines 6-19). Nagahara neither teaches nor suggests automatically changing perspectives. Consequently Nagahara does not describe automatically switching viewing modes and instead teaches away from the present invention by describing an explicit clicking operation to change viewing perspectives.

US Application No. 10/021648

Accordingly, Applicants respectfully submit that the rejections have been overcome by these amendments and the foregoing reasons. This application is now in condition for allowance and such action is earnestly solicited. Withdrawal of all rejections is respectfully requested.

Respectfully submitted,

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